

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> <b>MARVIN PRICE,</b> <div style="text-align:right"><b>Petitioner,</b></div> <div style="text-align:center"><b>v.</b></div> <b>MICHAEL OVERMYER, et al.,</b> <div style="text-align:right"><b>Respondents.</b></div> <hr/>	: : : : : : : : : :	<b>CIVIL ACTION</b>  <b>No. 15-5352</b>
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**ORDER**

**AND NOW**, this 15<sup>th</sup> day of August, 2017, upon consideration of Marvin Price’s petition for writ of habeas corpus (Doc. No. 1), the Commonwealth’s response to petition for writ of habeas corpus (Doc. No. 13), the Report and Recommendation of United States Magistrate Judge Richard A. Lloret (Doc. No. 14), and the objections thereto (Doc. No. 18.) it is **ORDERED** that:

1. The Objections to the Report and Recommendation of Magistrate Judge Richard A. Lloret are **OVERRULED**;<sup>1</sup>
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED** with prejudice;
4. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because “the applicant has [not] made a substantial showing of the denial of a constitutional right[.]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.”

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<sup>1</sup> In his Objections, Petitioner states that he “objects to the legal conclusions drawn by the United States Magistrate.” (Pet.’s Objs. p. 1.) Petitioner, however, does not identify any purported errors in the Report and Recommendation. Rather, he simply restates the basis for his claims. Magistrate Lloret properly rejected these arguments and found Petitioner’s claims to be lacking in merit. After reviewing the submissions, I conclude that Petitioner’s arguments lack merit for the reasons set forth in the Report and Recommendation.

Slack v. McDaniel, 529 U.S. 473, 484 (2000); see United States v. Cepero, 224 F.3d 256, 262-63 (3d Cir. 2000), abrogated on other grounds by Gonzalez v. Thaler, 132 S. Ct. 641 (2012); and,

5. The Clerk of Court shall mark this file closed.

**BY THE COURT:**

**/s/ Mitchell S. Goldberg**

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**Mitchell S. Goldberg, J.**